

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KEINO JOHNSON

Plaintiff,

v.

HOAGIES HEROES, LLC and  
RICHARD KAGAN,

Defendants.

CIVIL ACTION  
NO. 18-919

**ORDER**

AND NOW, this 28th day of August 2019, upon receipt of Plaintiff's Praecipe to Withdraw Complaint (Doc. No. 3),<sup>1</sup> it is **ORDERED** that Plaintiff's Complaint against Defendants is **DISMISSED** pursuant to Fed. R. Civ. Proc. 41(a)(1)(A)(i). It is further **ORDERED** that the Clerk of Court shall close the case for statistical purposes.

BY THE COURT:



JOEL H. SLOMSKY, J.

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<sup>1</sup> This Court construes Plaintiff's Praecipe to Withdraw Complaint as a notice of dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i). Under Rule 41, a plaintiff may dismiss an action without court approval by filing a notice of dismissal before the opposing party serves an answer or a motion for summary judgment. See Fed. R. Civ. P. 41(a)(1)(A)(i). A matter may be closed following a filing of a "Praecipe to Withdraw Complaint" in accordance with Federal Rule of Civil Procedure 41(a)(1). See Schapiro, on Behalf of Schapiro v. Schapiro, No. CIV.A.95-CV-2408, 1995 WL 550636, at \*1 (E.D. Pa. Sept. 13, 1995) (stating matter was closed following receipt of plaintiff's "Praecipe to Withdraw Complaint"). Here, Rule 41(a)(1)(A)(i) applies because Plaintiff filed a Praecipe to Withdraw Complaint and Defendants have not filed an answer or motion for summary judgment.